November 11, 2021

Vice President Kamala Harris
The White House
Office of the Vice President
1600 Pennsylvania Avenue NW
Washington, DC 20050

CC: President Joseph Biden

Dear Vice President Harris:

As organizations who work tirelessly to support our South Asian American communities, we urge you to provide relief to some of our most vulnerable members as the first South Asian Senator and now Vice President in U.S. history. You have the power to ensure the inclusion of a pathway to citizenship in the Build Back Better package, which will fundamentally change the lives of undocumented South Asian Americans, who constitute the largest population of the Asian American undocumented community.

Like members of your own family, many South Asians immigrated here to fill labor shortages and receive economic incentives provided by the U.S. government in 1965, which then allowed for the creation of family networks including additional family members who previously did not have this opportunity to migrate safely. This wave of immigration in the 1980's and 90's, alongside natural disasters, foreign intervention, and other political events, led some in our community to fall out of status or to migrate without documents. Though we saw some advocacy actions that could offer support for undocumented immigrants, many are struggling; the Deferred Action for Childhood Arrivals Program is again in limbo, and will impact at least:

- 470 Bangladeshi Americans
- 2,000 Indian Americans
- 60 Nepali Americans
- 1,300 Pakistani Americans
- 12 Sri Lankan Americans

Thousands more undocumented South Asian youth do not even have DACA protections, as only 13% of the overall 20,000 DACA eligible Indians have applied and secured DACA due to lack of outreach to our community. Of course, even this does not yet account for other vulnerable South Asian communities, including the Afghan diaspora which grows as you read this letter. With immigration court backlogs and a lack of pathway to citizenship, we will likely see increases in numbers of undocumented migrants, as we've seen with Indian Americans, a population of 630,000 that is up 72% since 2010.

Earlier this year, 15,000 Nepali Temporary Protected Status (TPS) holders were at risk of deportation after Trump's 2018 decision to terminate TPS for Nepal. Their TPS status has been

extended until 2022, but without citizenship, TPS holders continue to be burdened with uncertainty and vulnerable to exploitation.

A a result of being undocumented or having temporary status, our South Asian community members endure workplace exploitation, and are denied access to healthcare, higher education, and drivers licenses. They also live in constant fear of family separation, detention and deportation, and are unable to live with the dignity and respect every human being deserves.

Furthermore, many South Asian immigrants have been subjected to violent and racist enforcement initiatives like National Security Entry-Exit Registration System (NSEERS) as well as racial profiling through immigration policies that have led to deportation for low level offenses.

Detention and deportation records show that South Asian immigrants continue to be detained at high rates. In 2016, one of the top Asian countries of origin for Customs and Border Protection (CBP) arrestees was India with 3,668 individuals.; many of these individuals are also asylum seekers, who, instead of receiving support, are detained and hurt. From 2014 to 2018, Customs and Border Protection (CBP) arrested:

- 1,752 Bangladeshis
- 2 Bhutanese
- 12,670 Indians
- 1,744 Nepalis
- 659 Pakistanis
- 292 Sri Lankans

The South Asian countries of Bangladesh, India, and Pakistan regularly rank in the top five Asian countries of origin with high deportations in 2018, with deportations to these countries increasing 25% from 2017 to 2018.

This is why we urge you, Vice President Kamala Harris, to use your authority as the Presiding Officer of the Senate and disregard the Parliamentarian's arbitrary advice. The Senate Parliamentarian's advisory opinion was riddled with flawed reasoning and consideration of irrelevant factors that "made it abundantly clear how eager she was to get to 'no,' despite ample precedent and a strong rationale that would allow for the immigration proposal to be included in a reconciliation bill." Not only does a pathway to citizenship satisfy the "Byrd Rule," but it is a "perfect fit for reconciliation."

Despite the repeated, unfortunate and misguided advice of the Senate Parliamentarian on this question, as the Presiding Officer of the Senate it is ultimately up to **you** to decide whether to take action to make a pathway to citizenship possible.

You are legally authorized to reach a conclusion independent from the Senate Parliamentarian's erroneous advisory opinion, and to clear the path for Democrats to finally deliver on the promise of legalization. This is a crucial moment, where millions of immigrants living in the United States are relying on you to take a major step towards reforming our broken immigration system, lifting

the constant fear of deportation for them and their family members and finally offering them an opportunity to fully integrate into our society.

In your own words, "when [my mother] came here from India at the age of 19, she maybe didn't quite imagine this moment. But she believed so deeply in an America where a moment like this is possible." This resonated with South Asian Americans, immigrants, and communities of color who saw you as an ally when supporting your candidacy. Now is your moment to deliver on your campaign commitments around immigration. With courage and leadership, you can create a moment like this for hundreds and thousands of your fellow South Asian community members and millions of other immigrants by ensuring a pathway to citizenship in the Build Back Better package.

Sincerely,

Adhikaar
Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert
Alliance of South Asian American Labor
American Muslim Bar Association (AMBA)
APALA-Sacramento
APALA San Diego
API Equality-LA
Asian American Legal Defense and Education Fund (AALDEF)
Asian American Resource Workshop
Asian Americans Advancing Justice - Los Angeles
Asian Americans Advancing Justice-Atlanta
Asian Counseling and Referral Service
Asian Pacific American Labor Alliance, AFL-CIO
Berrien Immigrant Solidarity Network
Can't Stop! Won't Stop! Consulting
The Central American Resource Center
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Connecticut Shoreline Indivisible
Disciples Refugee & Immigration Ministries
Doctors for Camp Closure
DRUM - Desis Rising Up & Moving
Food Empowerment Project
Good Shepherd Lutheran
ICNA Council for Social Justice
Indo-American Center
International Commission for Dalit Rights (ICDR International)
InterReligious Task Force on Central America
Iu Mien Association of Oregon

Jetpac Resource Center
Maine Immigrants' Rights Coalition
Maryland Against ICE Detention
Maryland Legislative Coalition
Miami Valley Immigration Coalition
MSA West
National Asian American Pacific Islander Mental Health Association
National Asian Pacific American Families Against Substance Abuse
National Queer Asian Pacific Islander Alliance
OCA – Asian Pacific American Advocates
OPAWL - Building AAPI Feminist Leadership in Ohio
Philadelphia Asian Pacific American Labor Alliance
Queer Crescent
Rainbow Beginnings
Raksha, Inc
Rights and Democracy NH
Rising Voices
Sadhana: Coalition of Progressive Hindus
South Asian Americans Leading Together (SAALT)
South Asian Public Health Association (SAPHA)
Southeast Asian Freedom Network
Takoma Park Mobilization, Equal Justice
They See Blue GA
TODEC Legal Center
Tsuru for Solidarity
UndocuBlack Network
UnLocal
US Campaign for Palestinian Rights
Voces Unidas